

**BOARD OF SELECTMEN**  
**APRIL 22, 2013**

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**I. Call to Order/Roll Call**

Chairman Paul Salafia called the meeting of the Board of Selectmen to order at 7:00 P.M. on Monday, April 22, 2013 in the Selectmen's Conference Room at the Town Offices. Present from the Board of Selectmen: Paul Salafia-Y, Alex Vispoli-Y, Mary Lyman-Y and Dan Kowalski-Y. Also present: Town Manager Reginald S. Stapczynski and Assistant Town Manager Steve Bucuzzo. The meeting was duly posted and cablecast live.

**II. Opening Ceremonies**

Chairman Salafia led the members in a Moment of Silence followed by the Pledge of Allegiance.

**III. Communications/Announcements/Liaison Reports**

The Town Manager made the following announcements:

- ~ The Center at Punchard will hold their Volunteer Recognition Ceremony on Friday, April 26<sup>th</sup> from 2:00 P.M. – 4:00 P.M.
- ~ AVIS will hold a dedication of the Truss Bridge on the Ballardvale/Shawsheen River Trail at 2:00 P.M. on Saturday.
- ~ The League of Women Voters will host a Town Meeting Forum to review the Warrant Articles on April 29<sup>th</sup> at 7:00 P.M. at Memorial Hall Library.
- ~ Former Selectman Ted Teichert will be honored by the Boy Scouts of America for his work with the youth of Andover at their breakfast on Friday, May 17<sup>th</sup> at 7:30 A.M. at the Andover Country Club.
- ~ The Annual Town Meeting and Special Town Meeting will be held on May, 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> and the Board may need to meet at 6:00 P.M. preceding the meetings.

Town Clerk Larry Murphy reported that voting for the April 30<sup>th</sup> Special Senate Primary for Precincts 1, 7, and 8 will take place at the Center at Punchard with all other precincts voting at the AHS Collins Field House. The Annual Town Meeting will be held on May 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> at the AHS Collins Field House with the Special Town Meeting on Tuesday, May 7<sup>th</sup> at 8:15 P.M. Deadline to register for the Special Town Meeting is this Friday. The Town Clerk's Office will be open until 8:00 P.M. that day.

Selectman Lyman met with the Town Accountant and Town Manager for an update on the Town Accountant's position and to discuss ideas and improvements for the position. She suggested they ask Department Heads for their suggestions and input and schedule a workshop to continue the discussion. The Town Accountant is retiring November 1<sup>st</sup>. Selectman Lyman reported they are still on target for implementing changes to the Munis System for June and they anticipate the auditors coming June 17<sup>th</sup> – 24<sup>th</sup>.

Selectman Kowalski recently attended the Andover Cultural Council's reception at the Addison Gallery sponsored through donations from local businesses. The ACC is responsible for the distribution of State administered funds and to review grant requests which are taken quite seriously. Selectman Kowalski would like the Board to consider providing some funding from the Town to support the Andover Cultural Council.

Selectman Vispoli reported he heard from Representative Lyons that they are supporting the increase in funding for seniors.

Chairman Salafia announced that Saturday, May 4<sup>th</sup> is Zero Waste Day and Andover Recycles will be collecting items from 9:00 AM to 12:00 P.M. at Brickstone Square.

#### **IV. Citizens Petitions & Presentations**

Bill Pennington, Clark Road, requested permission to conduct a candlelight vigil and walk from The Park on Wednesday, May 1<sup>st</sup> to show support for the victims of the Boston Marathon bombing and their families.

Selectman Vispoli motioned for the Board to approve the request to conduct a candlelight vigil to support the families and provide whatever special arrangements need to be made. The motion was seconded by Dan Kowalski and voted 4-0 to approve.

#### **V. Public Hearings**

##### **A. Yella – Wine & Malt Restaurant License – Alteration of Premises**

CSB Restaurant Group, LLC, d/a/b Yella, 16 Post Office Avenue, Andover, has applied for an alteration of premises on their Wine and Malt Restaurant License. The alteration includes an extension of the premises to include outdoor seating on Post Office Avenue. The request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license.

Selectman Kowalski moved to approve the application of CSB Restaurant Group, LLC, d/b/a Yella at 16 Post Office Avenue for an alteration of premises to its Wine and Malt Restaurant pouring license to include outdoor dining areas, subject to the condition that all other requirements of the Town are met prior to issuance. The motion was seconded by Selectman Vispoli and voted 4-0 to approve.

Selectman Kowalski moved to approve an alteration of premises to the Wine and Malt Beverage pouring license for CSB Restaurant Group, LLC, d/b/a Yella at 16 Post Office Avenue is not detrimental to the educational and spiritual activities of the Free Christian Church at 31 Elm Street, Andover or the Andover Baptist Church at 6 Essex Street. The motion was seconded by Selectman Vispoli and voted 4-0 to approve.

B. Brasserie 28 – All-Alcoholic Restaurant/Common Victualler Licenses – Alteration of Premises

Morello Hospitality Group, LLC, d/b/a Brasserie 28, 2 Elm Square, Andover, has applied for alteration of premises on their All-Alcoholic Restaurant/Common Victualler Licenses. The alteration includes an extension of outdoor seating along Elm Square and a reduction in outdoor seating along Post Office Avenue. The request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license.

Selectman Kowalski moved to approve the application of Morello Hospitality Group, LLC, d/b/a Brasserie 28, 2 Elm Square, Andover, for an alteration of premises to its all alcohol pouring license to include outdoor dining areas, subject to the condition that all other requirements of the Town are met prior to issuance, including, but not limited to, compliance with or permitted variance from the State Plumbing Code 248 CMR 10.10. The motion was seconded by Selectman Vispoli and voted 4-0 to approve.

Selectman Kowalski moved to approve the application of Morello Hospitality Group, LLC, d/b/a Brasserie 28, 2 Elm Square, Andover, for an Outdoor Dining License, subject to the condition that all other requirements of the Town are met prior to issuance, including, but not limited to, compliance with or permitted variance from the State Plumbing Code 248 CMR 10.10.

Selectman Kowalski moved approval that an alteration of premises to the all alcoholic beverage pouring license for Morello Hospitality Group, LLC, d/b/a Brasserie 28, 2 Elm Square, Andover is not detrimental to the educational and spiritual activities of the Free Christian Church at 31 Elm Street, Andover or the Andover Baptist Church at 6 Essex Street. The motion was seconded by Selectman Vispoli and voted 4-0 to approve.

C. Residence Inn – Transfer of Wine & Malt Innholder License & Change of Manager

Selectman Kowalski moved to approve the application of MHF Andover Manager III, LLC, 300 Centerville Road, Warwick, RI, for a transfer of a Wine & Malt Innholder License for the Residence Inn at 500 Minuteman Road, Andover, from the Residence Inn by Marriott, LLC of 10400 Fernwood Road, Bethesda, Maryland, and for a change of Manager for said license, Christine M. Stonkas of 72 Lubec Street, Boston, MA is the new designated Manager, subject to the condition that all other requirements of the Town are met prior to issuance. The motion was seconded by Selectman Vispoli and voted 4-0 to approve.

D. LaRosa's – Wine & Malt Restaurant License

Selectman Vispoli motioned to approve the retirement of an All Alcoholic Beverage

Pouring License in favor of a Wine & Malt Restaurant License to Andover Café, LLC, d/b/a LaRosa's at 7 Barnard Street, Andover, subject to the condition that all other requirements of the Town are met prior to issuance of said Wine & Malt Restaurant Alcoholic Beverage license, including, but not limited to, compliance with or permitted variance from the State Plumbing Code 248 CMR 10.10. The motion was seconded by Selectman Kowalski and voted 4-0 to approve.

Selectman Vispoli motioned to approve the application of Andover Café, LLC, d/b/a LaRosa's, for a Wine & Malt Alcoholic Beverage license at 7 Barnard Street, Andover and for the appointment of Paul LaRosa of 60 North Putnam Street, Danvers, MA as designated Manager, subject to the conditional that all other requirements of the Town are met prior to issuance, including but not limited to, compliance with or permitted variance from the State Plumbing Code 248 CMR 10.10. The motion was seconded by Selectman Kowalski and voted 4-0 to approve.

Selectman Vispoli motioned to find that the application of Andover Café, LLC, d/b/a LaRosa's, for a Wine & Malt Alcoholic Beverage license at 7 Barnard Street, Andover is not detrimental to the educational and spiritual activities of the Free Christian Church at 31 Elm Street, Andover or the Andover Baptist Church at 6 Essex Street. The motion was seconded by Selectman Kowalski and voted 4-0 to approve.

## **VI. Regular Business of the Board**

### **A. Andover Community Trust**

Susan Stott, Executive Director, provided a review of the Andover Community Trust's proposal to build a single family affordable home at 94 Woburn Street and to request the Board's support. The application includes a letter from the Andover Housing Partnership Committee in support of the effort to maintain economic diversity. To date, the ACT has completed five homes with the sixth home almost complete and will again be partnering with the Greater Lawrence Technical School for students to participate in building the home on 94 Woburn Street. Many services have been contributed or discounted by local businesses.

The Board asked about the required frontage and setback of the house. Bill McCloud of Woburn Street said the home does not comply with side yard settings. It was pointed out that the setting is consistent with neighborhood existing dwellings and the home is allowed 15' side lots. Dick Fox, 99 Woburn Street, said he had no objections, applauds the mission of ACT and said his only concern is the drainage on Woburn Street which ends up on Island Way. He would like the Town to check the drainage. Ron Fee, 92 Woburn Street, would like the parking area on the side of the home changed and to consider placing the garage back more so headlights do not shine into their bedroom window. Susan Stott said they plan to install a fence. Mr. Fee also requested the Town

do something about the 16 wheeler tractor trailer trucks that turn around on Charlotte Drive. The Town Manager will speak to Safety Officer Chuck Edgerly to investigate this. Selectman Vispoli said the neighbors' concerns are legitimate and recommends there be an agreement with Susan Stott to have discussions and work with the engineer to make sure the concerns are addressed and inserted in the letter of support.

Selectman Lyman motioned the Board of Selectmen support the letter of endorsement for the home and that the Andover Community Trust work with abutters to address all concerns. The motion was seconded by Selectman Vispoli and voted 4-0 to approve.

**B. Annual Town Meeting/Special Town Meeting**

**Special Town Meeting Warrant Article 1 – Elder Services Program Stabilization Fund**

Selectman Kowalski motioned to recommend approval of Warrant Article 1 – Services Program Stabilization Fund for the Special Town Meeting as presented. The motion was seconded by Selectman Vispoli and voted 4-0 to recommend approval.

**Special Town Meeting Warrant Article 2 – Youth Center Appropriation**

Selectman Kowalski motioned to recommend approval of Warrant Article 2 – Youth Center Appropriation for the Special Town Meeting as presented. The motion was seconded by Selectman Vispoli and voted 4-0 to approve.

**VII. Consent Agenda**

**A. Outdoor Dining Licenses**

Selectman Kowalski motioned to approve the request of James Hadad, 9 Marion Avenue, Andover, for an Outdoor Dining License at Ultimate Perk, 96 ½ subject to the condition that all other requirements of the Town are met prior to issuance, including, but not limited to, compliance with or permitted variance from the State Plumbing Code 248 CMR 10.10. The motion was seconded by Selectman Vispoli and voted 4-0 to approve.

Selectman Kowalski motioned to approve the request of Fisichelli's Pastry Shop for at 46 Main Street, subject to the condition that all other requirements of the Town are met prior to issuance, including, but not limited to, compliance with or permitted variance from the State Plumbing Code 248 CMR 10.10. The motion was seconded by Selectman Vispoli and voted 4-0 to approve.

**B. Storage of Inflammables Annual Registrations for 2013**

Selectman Lyman motioned to approve the attached list of Storage of Inflammable license holders who have submitted their Certificates of Registration for 2013. The renewals have been reviewed and approved by the Fire Prevention Officer and Town Clerk subject to the condition that all other requirements of the Town are met prior to

the issuance of the Certificates of Registration. The motion was seconded by Selectman Vispoli and voted 4-0 to approve.

C. Vehicle for Hire License Renewals

Selectman Kowalski motioned to approve the Vehicle for Hire License Renewals as presented for Andover Airport Service, LLC, 300 Brickstone Square, Suite 201 – 10 licenses (currently 5 cars licensed); Chief Executive Transportation, LLC, 348 Salem Street – 1 license approved, and Universal Choice Auto, LLC, 26 River Road – 1 license approved. The licenses will be effective from May 1, 2013 through April 30, 2014. The renewal requests have been reviewed and approved by the Police Department Safety Officer and Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license. The motion was seconded by Selectman Lyman and voted 4-0 to approve.

D. Secondhand Dealer License Renewals

Selectman Lyman motioned to approve the requests for Second Hand Dealer License Renewals for Asian Art Academy, 204 Andover Street, Suite 102 and P. Nalbandian Oriental Rugs & Antiques, 77 Main Street. The licenses will be effective from May 1, 2013 through April 30, 2014. The renewal requests have been reviewed and approved by the Police Department and Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses. The motion was seconded by Selectman Vispoli and voted 4-0 to approve.

E. Common Victualler License

Selectman Vispoli motioned to approve the request of William Tomamichel, 1086 Riverside Drive, Methuen, d/b/a One Thong Chai Thai Cuisine, for a Common Victualler license for use at 12 Post Office Avenue, Andover. The request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license. The motion was seconded by Selectman Lyman and voted 4-0 to approve.

F. Block Party Request

Selectman Lyman motioned to approve the request of Casey Cammann, 11 Carmel Road, for permission to block off her street between Lockway Road and Walnut Avenue for a graduation block party on Saturday, June 1, 2013 from Noon to 8:00 P.M. The request has been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Kowalski and voted 4-0 to approve.

G. Parade Request

Selectman Lyman motioned to approve the request of Veterans Services Director Mike Burke for permission to conduct the Memorial Day Parade through the downtown on

Monday, May 27, 2013 from 8:30 A.M. to 11:00 A.M. and is requesting that the following streets all the parade route be closed: Florence Street, Elm Street from Florence Street to Main Street, Park Street, Barnard Street from Main Street to Bartlet Street, Main Street from Elm Square to Punchard Avenue, Punchard Avenue to Bartlet Street and Bartlet Street to Park Street. He is also requesting permission to use The Park for ceremonies following the parade. The request has been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Kowalski and voted 4-0 to approve.

H. Andover Art-in-the-Park

Selectman Vispoli motioned to approve the request of Jane Loveys of the Andovers Artists Guild, Inc. for permission to use The Park on Saturday, September 21, 2013 with a rain date of Sunday, September 22, 2013 for their annual Art-in-the-Park event. The request has been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Kowalski and voted 4-0 to approve.

VIII. Approval of Minutes from Previous Meetings

Selectman Vispoli motioned to approve the Regular Meeting Minutes of March 18, 2013 with revisions and the March 20, 2013 – Joint Meeting (Board of Selectmen & Finance Committee), the March 27, 2013 – Tri-Board Budget Sub-Committee Workshop (Board of Selectmen, Finance Committee & School Committee) and the March 27, 2013 – Joint Meeting (Board of Selectmen & Finance Committee). The motion was seconded by Selectman Kowalski and voted 4-0 to approve.

IX. Adjournment

At 9:11 P.M. on a motion by Selectman Vispoli and seconded by Selectman Lyman, the Board motioned to adjourn the Regular Meeting of April 22, 2013.

Respectfully submitted,

Dee DeLorenzo, Recorder

Documents: Regulations for Outdoor Dining Licenses  
Agenda for Candlelight Vigil request  
Special Town Meeting Warrant Articles